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ABSTRACT

This information memorandum describes revisions to laws relating to public libraries that were enacted in 1997 Wisconsin Act 150. The first section of the memorandum outlines the major provisions of the Act, including: county payment for library services; optional standards in plan of library services for county; report on library system effectiveness; town appeal of library board or county board decision disapproving creation of or participation in library; withdrawal from and participation in public library systems; funds not to be included in determining "maintenance of effort" compliance; state aids to public library systems; reduced expenditure factor in library system aid formula; public library advisory committee; and revised method for calculating county "maintenance of effort" requirements. The second section lists 12 miscellaneous other provisions of the Act. The last section details the effective dates of the Act. (DLS)

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REVISED LAWS RELATING TO PUBLIC LIBRARIES (1997 WISCONSIN ACT 150)

Information Memorandum 98-4

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Information Memorandum 98-4*

REVISED LAWS RELATING TO PUBLIC LIBRARIES (1997 WISCONSIN ACT 150)

INTRODUCTION

This Information Memorandum describes revisions to laws relating to public libraries that were enacted in 1997 Wisconsin Act 150 ("the Act"). The Act originated as 1997 Senate Bill 269, which was developed by the Joint Legislative Council's Special Committee on Public Libraries.

Copies of 1997 Wisconsin Act 150 may be obtained from the Documents Room, Lower Level, One East Main Street, Madison, Wisconsin 53702; telephone: (608) 266-2400.

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A. MAJOR PROVISIONS OF ACT 150

1. County Payment for Library Services

The Act requires each county (except Milwaukee County) that does not maintain a consolidated public library for the county and that contains residents of municipalities that do not maintain a public library to pay each public library in the county an amount to reimburse the public library 70% of the cost of providing loans to those county residents. The amount is determined by multiplying the total number of loans of material made by that public library to residents of the county who are not residents of a municipality that maintain a public library by that public library's "unit costs" of providing loans of library materials and then multiplying that amount by .70. "Unit cost" is determined by dividing the total operational expenditures of the library for the applicable period, not including capital expenditures or expenditures of federal funds, by the total number of loans of material made by the public library during that period. [SEC. 10.]

The Act requires each public library within a county to report, by July 1 of each year, to the county clerk the number of loans of material made during the prior calendar year to county residents who do not reside in a municipality with a public library and the total number of loans made by the library in the previous calendar year.

The Act explicitly states that a county may voluntarily provide aid to public libraries in the county that is in excess of the amount required by the Act.

2. Optional Standards in Plan of Library Services for County

The Act permits the plan of library services for a county to include minimum standards of operation for public libraries in the county. The standards take effect if, after a public hearing, they are approved by the public library boards of at least 50% of the participating municipalities in the county that contain at least 80% of the population of participating municipalities in the county. [SEC. 8.]

The Act also specifies that no city, village or town is exempt from the county property tax levy for library services if, by September 1 of the year preceding the year for which the tax is levied, the county board determines that the public library of the city, village or town is not in compliance with the minimum standards of operation. [SEC. 42.]

3. Report on Library System Effectiveness

The Act requires library boards, in their annual reports to the Division of Libraries and Community Learning (DLCL) in the Department of Public Instruction, to include a statement indicating whether the public library system in which the library participates did or did not provide effective leadership and adequately meet the needs of the library. The report must

contain an explanation of why the library board believes the public library system did or did not provide effective leadership and adequately meet the needs of the library. The DLCL is required to design the form of the statement and process the report so that it may be removed from the report and forwarded to DLCL prior to the time it is sent to the public library system. [SEC. 39.]

The Act requires DLCL to conduct a review of a public library system if, in the annual reports to DLCL, at least 30% of the libraries in participating municipalities that include at least 30% of the population of all participating municipalities state that the public library system did not adequately meet the needs of the library. If DLCL determines that the public library system did not adequately meet the needs of libraries participating in the system, it must prepare an advisory plan suggesting how the public library system can do so in the future, including suggestions designed to foster intrasystem communications and local dispute resolution. The advisory plan must be distributed to the public library system board, the boards of all libraries participating in the system and the county boards of all counties participating in the system. [SEC. 3.]

4. Town Appeal of Library Board or County Board Decision Disapproving Creation of or Participation in Library

Under s. 43.52 (1m), Stats., any town that desires to establish a new public library or to participate in a joint library must obtain the approval of the county library board, if one exists, and the county board of supervisors.

The ***Act*** permits a town to appeal to the State Superintendent of Public Instruction a decision of the county library board or the county board of supervisors that disapproves the participation by the town in a joint library with a municipality in another county. The Act specifies that if there is such an appeal, the State Superintendent must:

a. Hold a public hearing on the appeal within 60 days of receiving notice of the appeal; and

b. Decide the appeal within 30 days after the adjournment of the public hearing.

The State Superintendent may approve the participation by the town in a joint library with a municipality in another county notwithstanding the disapproval by the county library board or the county board of supervisors. [SEC. 35.]

5. Withdrawal From and Participation in Public Library Systems

Under the law in effect prior to the Act, if a county wished to withdraw from a federated public library system whose territory lies within two or more counties, it was required to obtain the approval of the governing body of each participating municipality in the county.

The ***Act*** provides that a county may withdraw from a federated public library system whose territory lies within two or more counties if it obtains the approval of the governing

bodies of participating municipalities that contain at least 80% of the population of participating municipalities in the county. [SEC. 18.]

6. Funds Not to Be Included in Determining "Maintenance of Effort" Compliance

Under s. 43.15 (4) (e), Stats., a municipal, county or joint public library may participate in a public library system only if it meets certain requirements, including the requirement that the library's municipal or county governing body provide funding at a level that is not lower than the average of funding provided for the previous three years (the "maintenance of effort" requirement).

The ***Act*** provides that funding from the state, the federal government or a private source which has been designated for library service by the source may not be included in the computation to determine whether the maintenance of effort requirement has been obtained. In addition, the Act provides that: (a) funding that was appropriated in a prior year by the municipality or county for library services but was not spent may not be included in the computation of whether the maintenance of effort requirement has been obtained for a succeeding year; and (b) funding for library services from a county must not be included for a municipal or joint public library in determining whether the "maintenance of effort" requirement has been attained. [SECS. 15 and 16.]

7. State Aids to Public Library Systems

The Act requires DLCL to include in its budget request an amount for state public library system aids for each fiscal year of the fiscal biennium that is equal to 13% of the total operating expenditures for public library services from municipal and county sources in the prior calendar year. [SEC. 34.] The budget request is reviewed by the Department of Administration (DOA) and the Governor. The Governor makes the final decisions concerning what is included in the Executive Budget Bill introduced into the Legislature.

8. Reduced Expenditure Factor in Library System Aid Formula

Under s. 43.24, Stats., the amount of state aid given to a particular public library system is based upon a formula consisting of three factors: (a) the area of the public library system in square miles; (b) local expenditures for library services in the public library system; and (c) the population of the public library system. For each square mile of territory in a public library system, a single-county system receives $8 per year and a multicounty system receives $20 per year. Each public library system also receives 4% of total operating expenditures by counties and municipalities within the public library system for public library services in the second preceding calendar year. The area and expenditure payments for each system are totaled and subtracted from the total state library aid appropriation. The remaining amount is then divided by the population of all public library systems to establish a per capita amount. Each public library system's aid payment is computed by multiplying the public library system's population

by the per capita amount and adding to this product the amounts generated by the public library system's area and expenditure factors.

The ***Act*** reduces the "expenditure factor" in the public library system aid formula from 4% to 2% of the total operating expenditures by counties and municipalities within the public library system for public library services. Because of the way that state library aids are calculated, reducing the expenditure factor from 4% to 2% would not have the effect of reducing the total amount of state aids to public library systems. Rather, the change would distribute more state aid to public library systems using the population factor. ***This provision of the Act takes effect beginning in the second calendar year following the first fiscal year that the total amount of state aid appropriated for public library systems equals 13% of the total operating expenditures.*** (For fiscal year 1997-98, the total amount of state aid appropriated for public library systems is $12,863,800, which is 10.2% of the total operating expenditures of public libraries.)

9. Public Library Advisory Committee

The Act creates a new provision in ch. 43, Stats., permitting every public library system to have a public library advisory committee to perform functions including the following: (a) advise the system board regarding the status and needs of libraries in the system; (b) serve as a conduit of information between the system board and individual libraries in the system; and (c) make recommendations to the board relating to libraries in the system. [SEC. 17.]

10. Revised Method for Calculating County "Maintenance of Effort" Requirements

The Act revises how county "maintenance of effort" requirements are to be calculated when a municipality that has previously been subject to the county property tax levy for library services receives an exemption from the tax under s. 43.64 (2), Stats.

Under s. 43.15 (2), Stats., a county must generally maintain its financial support for library services at a level not lower than the average of the previous three years support. Property within a municipality is subject to the county property tax levy for library services unless the municipality is exempt from the tax under s. 43.64 (2), Stats. This provision, in part, exempts property within a municipality from the tax levy for library services if the municipality appropriates and spends for a library fund a sum at least equal to the municipality's share of the tax levy for library services in the prior year.

When a municipality which has previously been subject to the county property tax levy for library services qualifies for an exemption from the tax under s. 43.64 (2), Stats., s. 43.15 (2), Stats., authorizes the county to recalculate its "maintenance of effort" requirement and reduce its financial support for library services. Under the law prior to the Act, the reduction was computed by: (a) subtracting the previous year's equalized value of property in the municipality that has been exempted from the tax from the equalized value of property in the county for the previous year; and (b) dividing this remainder by the previous year's equalized valuation of property in the county.

Under the ***Act***, the reduction in the county's maintenance of effort requirement is computed by subtracting the previous year's equalized value of property in the municipality that has been exempted from the tax from the equalized valuation of property within the county that was subject to the county property tax levy for library services in the prior year and dividing this remainder by the previous year's equalized valuation of property within the county that was subject to the county property tax levy for library services in that year. The effect of this change in the Act will be to increase the amount by which a county may reduce its property tax levy for library services when a municipality qualifies for an exemption from the tax in situations where other municipalities within the county have also qualified for an exemption from the county property tax levy for library services.

The ***Act*** also clarifies how the three-year average for "maintenance of effort" requirements is to be computed for the years preceding the year that a municipality qualifies for an exemption from the county public library tax levy. [SEC. 12.]

B. MISCELLANEOUS OTHER PROVISIONS OF ACT 150

The Act also includes a number of miscellaneous provisions. It:

1. Authorizes DOA to allow regionally accredited four-year nonprofit colleges and universities that are incorporated in this state or that have their regional headquarters and principal place of business in this state to participate in any telecommunications network administered by DOA. [SEC. 1.]

2. Provides statutory recognition to the importance of technology in library resource sharing. [SEC. 2.]

3. Repeals statutory standards for administrative rules regulating public library systems and permits, rather than requires (current law), DLCL to promulgate necessary standards for public library systems. [SEC. 4.]

4. Repeals a provision of the statutes specifying the composition of county library planning committees. [SECS. 5 and 6.]

5. Updates county library planning requirements. [SEC. 7.]

6. Repeals language authorizing county library planning committees to dissolve. [SEC. 9.]

7. Revises minimum population requirements for public library systems. [SEC. 11.]

8. Requires that all territory within a joint library be included in the same public library system. If the territory of a joint library lies in two or more counties which are not in the same public library system, the Act requires the joint library board or, if no such board exists, the

governing bodies of the municipalities and counties forming the joint library, to determine the public library system in which the joint library will participate. [SEC. 13.]

9. Deletes a provision of the statutes permitting a single county public library system (federated or consolidated) to become a part of a multicounty federated system by written agreement of the county board and creates a provision permitting two systems to merge with the approval of: (a) each public library system board; (b) the county boards of the participating counties; and (c) 51% of the participating public libraries in the system. [SEC. 14.]

10. Requires that in a federated public library system whose territory lies within a single county, the system board must be: (a) ***nominated*** by the county executive, or by the county chairperson in a county without a county executive; and (b) ***approved*** by the county board.

11. Specifies that in a federated public system whose territory lies within two or more counties, the members of the system board must be: (a) ***nominated*** by the county executive in each county in the system, or by the county board chairperson in each county in the system without a county executive; and (b) ***approved*** by ***each county board*** in the system. [SEC. 21.]

12. Permits, in a system under item 11., above, the system board to consist of more than 20 members if the county boards, acting jointly, determine that each county in the system should be represented by at least two members on the board. The law prior to the Act limited the board in such a system to not more than 20 members. [SEC. 22.]

13. Authorizes public library systems to develop additional service programs based on the needs of their member libraries and residents of the system area. [SEC. 32.]

14. Revises prior law relating to municipal library board composition to specify that not more than two members of the board may be residents of municipalities other than the municipality that maintains the public library. Prior law specified that not more than two members may be residents of "***towns***" ***adjacent*** to the municipality. Thus, this provision of the Act broadens "towns" to include all municipalities, does not require that the municipalities be adjacent to the municipality with the library and specifies that these municipalities do not have to have public libraries of their own. [SEC. 36.]

15. Deletes the requirement that library board members be appointed for a term of years on a date which begins on the succeeding July 1. [SEC. 37.]

16. Allows public libraries to file annual reports with the governing body of the municipality and with DLCL within 60 days (rather than 30 days), after the conclusion of the fiscal year. [SEC. 38.]

C. EFFECTIVE DATES

The Act:

1. Provides for ***July 1, 1998*** as the ***general effective date*** for provisions in the Act.

2. Provides that the provisions in the Act which would ***reduce the expenditure factor*** in the public library system aids formula from 4% to 2% of the total operating expenditures by counties and municipalities within the public library system, do not take effect ***until the second calendar year following the first fiscal year that the total amount of state aid appropriated for public library system aids equals at least 13%*** of the total operating expenditures for public library services from local or county sources for the calendar year immediately preceding the calendar year for which public library system aids are paid.

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